

(10)

Date: 12.9.94

R.P. No: 50/94

The Bench for hearing the R.P. is re-constituted and the order passed on 24.3.94 is modified. The R.P. will be heard by a Bench comprising of Vice-Chairman and Mr. R. Rangarajan. H(A).

(H.S. Deshpande)
V.C.

Date: 12.9.94

R.P. No: 50/94

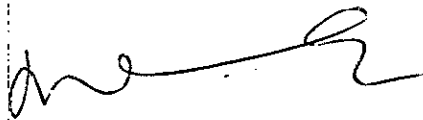
We have heard ~~the~~ Mr. M. B. Agasthi Counsel for the Review Petitioner and Mr. R. P. Danda for the respondents.

The grievance is that he has raised the ground in para (P) of the original application regarding the change of Machine. But it was observed in para 3 of the judgment that this plea was not taken by the present applicant in the O.A. Such a plea did not find a place in the memorandum either. It is apparent that the ground could not be raised at the time of final hearing because of

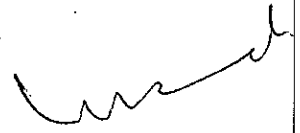
(10)

inadvertance. It is therefore clear that the ground has not been raised before the Tribunal when the O.A. was heard.

If the ground is not raised it cannot be said an error apparent on the face of the record. We see no merit in this R.P. It is dismissed.



(R. Rangarajan)
H(A)



(M.S. Deshpande)
V.C.

Copy of order dt 12-9-94
issued to the parties on

16/9/94

21/9/94

Appeal against (A)

Jt dt. 14/7/92 &

order in R.P. no 50/94

dt 12/9/94, dismissed

on 11/12/95.

(Sh P nos. 27742-743/95)

8/12/94.